

§ 213.48

§ 213.48 Effective date.

The regulations in this part shall become effective and in full force from and after the date of approval (Apr. 27, 1938), and shall be subject to change or alteration at any time by the Secretary of the Interior: *Provided*, That no regulations made after the approval of any lease shall operate to affect the term of the lease, rate of royalty, rental, or acreage unless agreed to by both parties to the lease. All former regulations governing the leasing of individually owned lands of the Five Civilized Tribes for mining purposes are superseded by the regulations in this part.

§ 213.49 Scope of regulations.

The regulations in this part shall apply in so far as practicable to land purchased for Indians under the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501-509), as well as to other lands of individual Indians of the Five Civilized Tribes.

PART 214—LEASING OF OSAGE RESERVATION LANDS, OKLAHOMA, FOR MINING, EXCEPT OIL AND GAS

Sec.

- 214.1 Definition.
- 214.2 Sale of leases.
- 214.3 Corporate information.
- 214.4 Bonds.
- 214.5 Additional information.
- 214.6 Failure of lessee to complete lease.
- 214.7 Operation not permitted until lease approved; 160 acres maximum for single lease.
- 214.8 Acreage limitation.
- 214.9 Advance rental.
- 214.10 Royalty rates.
- 214.11 Payment of rents and royalties.
- 214.12 Time of payment of royalties.
- 214.13 Diligence; annual expenditures; mining records.
- 214.14 Use of surface lands.
- 214.15 Homesteads.
- 214.16 Settlement of damages.
- 214.17 Use of timber from restricted lands.
- 214.18 Assignments.
- 214.19 Cancellation.
- 214.20 Annual reports by corporate lessees.
- 214.21 Inspection of lessees' books and records.
- 214.22 Serving of notices.
- 214.23 Plat of mine location.
- 214.24 Forms.
- 214.25 Forfeiture of lease.
- 214.26 Fine; notice and hearing.

25 CFR Ch. I (4-1-07 Edition)

214.27 Changes in regulations.

214.28 Location of sites for mines and buildings.

214.29 Prospecting; abandonment of mines.

214.30 Lessees must appoint local representative.

AUTHORITY: Sec. 3, 34 Stat. 543.

SOURCE: 22 FR 10605, Dec. 24, 1957, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

§ 214.1 Definition.

The term "officer in charge" shall refer to the superintendent of the Osage Indian Agency and school or other representative of the Government who may, for the time, be in charge of the Osage Agency and school, or any person who may be detailed by the Secretary of the Interior or the Commissioner of Indian Affairs to take charge of leasing or mining operations under the regulations in this part.

§ 214.2 Sale of leases.

Leases of minerals other than oil and gas may be negotiated with the tribal council after permission to do so has been obtained from the officer in charge. Leases with all papers required, shall be filed with the officer in charge within 30 days from the date of execution by the lessee and the principal chief of the Osage Tribe. The lease will be forwarded to the Commissioner of Indian Affairs for consideration by him and the Secretary of the Interior and will become effective only after approval by the Secretary of the Interior. If any lease should be disapproved through no fault of the lessee, all amounts deposited by him will be promptly refunded.

§ 214.3 Corporate information.

A corporation shall file with its first lease a certified copy of articles of incorporation, and, if a foreign corporation, evidence showing compliance with local corporation laws in duplicate; a list of all stockholders, with their post office addresses, and showing the number of shares of capital stock held by each; together with a sworn statement of its proper officer showing:

(a) The total number of shares of the capital stock actually issued, the number of shares actually sold and the amount of cash paid into the treasury